

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 09-00234-02-CR-W-SOW
MICHAEL A. LEAK,)
)
)
Defendant.)

REPORT AND RECOMMENDATION

On September 4, 2009, defendant filed a motion for a judicial determination of mental competency. Defendant was examined by David E. Morrow, Ph.D., a Forensic Psychologist, who found that defendant was competent in a report dated November 16, 2009.

On December 7, 2009, I held a competency hearing. Defendant was present, represented by Assistant Federal Public Defender Anita Burns. The government was represented by Assistant United States Attorney Mike Green. The parties stipulated to the contents and findings of Dr. Morrow as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 2).¹

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

¹"Tr". refers to the transcript of the competency hearing.

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

Counsel waived the ten day objection period set forth in 28 U.S.C. § 636(b)(1) (Tr. at 3). Any objections to this Report and Recommendation shall be filed by December 8, 2009.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
December 7, 2009